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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/812,865 03/06/97 TAYLOR

J

HM42/0609

WILLIAM A RUDY  
LATHROP & GAGE  
2345 GRAND BLVD  
KANSAS CITY MO

EXAMINER

ROBINSON, A

ART UNIT

PAPER NUMBER

1616

DATE MAILED:

06/08/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to 3-25-98
- ☒ The allowed claim(s) is/are 1, 2 and 4-c [Renumbered as claims 1-5, respectively]

- ☐ The drawings filed on \_\_\_\_\_ are acceptable.
- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_
- ☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Interview Summary, PTO-413
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Examiner's Statement of Reasons for Allowance

Art Unit: 1209

**EXAMINER'S AMENDMENT**

Restriction to one of the following inventions was required in a telephone conversation of June 5, 1998 between Mr. Haines and the Examiner, with Mr. Haines electing without prejudice to the restriction requirement. Mr. Haines elected without traverse the invention represented by Group I.

I. Claims 1-6 drawn to compositions and methods of stimulating plant growth employing enhanced combinations of inorganic phosphate and phosphonate compounds

II. Claims 7-9 and 11-19 are drawn compositions and methods of stimulating plant growth employing enhanced combinations of inorganic and organic phosphate and phosphonate compounds.

The several inventions above are independent and distinct, each from the other, as they have acquired a separate status in the art as a separate subject for inventive effort, require independent searches and are separately classified.

Claims 7-9 and 11-19 are withdrawn from further consideration as being drawn to the non-elected invention.

The remaining claims are 1-6.

The amendment filed March 25, 1998 has been entered.

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The following amendments were further authorized by Mr. Haines, (827 O.G.2).

Claims 3, 7-9 and 11-19 have been canceled.

Claim 1, line 1, "fungicidal" has been inserted before "fertilizer"; and line 3, "amount" has been changed to "amounts".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen J. Robinson whose telephone number is (703) 308-4524.

Allen Robinson  
June 8, 1998

*Allen J. Robinson*  
ALLEN J. ROBINSON  
PRIMARY EXAMINER  
CRN11P1200